

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

UNITED STATES OF AMERICA	§	
	§	
	§	
v.	§	CRIMINAL NO. C-11-1020-1
	§	
JOSE RENE ALANIZ	§	
	§	

ORDER GRANTING CONTINUANCE

On November 16, 2011, Defendant Jose Rene Alaniz, moved for a continuance on the following grounds: Although discovery is presently being conducted, Mr. Alaniz is requesting a continuance in order to allow counsel to complete the discovery since there is a significant volume of material regarding the charge. (D.E. 14).

Under the Speedy Trial Act, a district court may grant a continuance and exclude the resulting delay from the time in which a trial must commence if it makes on-the-record findings that the ends of justice served by granting the continuance outweigh the public's and defendant's interests in a speedy trial. 18 U.S.C. § 3161(h)(7).

Having considered Defendant's Motion, the presentations of counsel, and all other relevant factors, the Court finds:

- _____ (1) That the failure to grant such a continuance in the proceeding would be likely to make a continuation of such proceeding impossible, or result in a miscarriage of justice.

- _____ (2) That the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by the Speedy Trial Act.


- _____ (3) That, in a case in which arrest precedes indictment, delay in the filing of the indictment is caused because the arrest occurs at a time such that it is unreasonable to expect return and filing of the indictment within the period specified in section 3161(b), or because the facts upon which the grand jury must base its determination are unusual or complex.

X (4) That the failure to grant such a continuance in a case which, taken as a whole, is not so unusual or so complex as to fall within clause (2) above, would deny the defendant or the government continuity of counsel, or would deny counsel for the defendant or the attorney for the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

 (5) Other relevant factors:

The Court finds that the ends of justice are served by granting a continuance in this case and outweigh the best interests of the public and Defendant in a speedy trial. The Court therefore **GRANTS** Defendant's Motion and **CONTINUES** the trial of this case until the final pretrial conference on January 5, 2012 at 8:30 a.m. and jury selection/trial on January 9, 2012 at 8:30 a.m.

ORDERED this 17th day of November, 2011.


NEIVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE